(d) From the stage of filing till the disposal of the case, certain prescribed procedural steps are required at various stages which take their own time and so it is not possible to pin point the reasons for pendency of the above matters. Infact, the registration/institution of cases as also the disposal thereof is a continuous process and the Supreme Court has taken steps to bring down the pendency through better Court Management, Case Management and better Docket Management.

Meaning of minorities

2743. SHRI K. RAMA MOHANA RAO: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that an 11 Judge Bench of the Supreme Court has started hearing on a batch of 200 petitions to have a re-look at the meaning and content of the expression minorities and the Minority institutions; and

(b) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) Yes, Sir.

(b) A Constitution Bench of 11 Judges of the Supreme Court in the matter TMA Pai Foundation & others *vs.* State of Karnataka & Others has framed eleven questions for consideration. A Statement indicating the questions is enclosed *(See* below*)*. Hearing of the case has already been concluded and the Hon'ble Supreme Court has reserved its judgment.

Statement

11 Questions framed by the Hon'ble Supreme Court in the case of T.M.A. Pai Foundation and Others vs. State of Karnataka

1. What is the meaning and content of the expression "minorities" in Article 30 of the Constitution of India?

2. What is meant by the expression "religion" in Article 30(1)? Can the followers of a sect or denomination of a particular religion claim protection under Article 30(1) on the basis that they constitute a minority in the State even though the followers of that religion are in majority in that State?

3(a). What are the indicia for treating an educational institution as minority educational institution? Would an institution be regarded as a minority educational institution because it was established by a person(s) belonging to a religious or linguistic minority or its being administered by a person(s) belonging to a religious or linguistic minority?

3(b). To what extent can professional education be treated as a matter coming under minorities rights under Article 30?

4. Whether the admission of students to minority educational institutions, whether aided or unaided, can be regulated by the State Government or by the University to which the institution is affiliated?

5(a). Whether the minority's rights to establish and administer educational institutions of their choice will include the procedure and method of admission and selection of students?

5(b). Whether the minority institution's right of admission of students and to lay down procedure and method of admission, if any, would be affected in any way by the receipt of State aid?

5(c). Whether the statutory provisions which regulate the facets of administration like control over educational agencies, control over governing bodies, conditions of affiliation including recognition/withdrawal thereof, and appointment of staff, employees, teachers and principals including their service conditions and regulation of fees, etc. would interfere with the right of administration of minorities?

6(a). Where can minority institution be operationally located? Where a religious or linguistic minority in State 'A' establishes an educational institution in the said State, can such educational institution grant preferential admission/reservations and other benefits to members of the religious/linguistic group from other States where they are non-minorities?

6(b). Whether it would be correct to say that only the members of that minority residing in State 'A' will be treated as the members of the minority *vis-a-vis* such institution?

7. Whether the member of a linguistic non-minority in one State can establish a trust/society in another State and claim minority status in that State?

8. Whether the ratio laid down by this Court in St. Stephen's case (St. Stephen's College *vs.* University of Delhi, 1992(1) SCC 558) is correct? If no, what order?

9. Whether the decision of this Court in Unni Krishnan J.P. *vs.* State of A.P., 1993(1) SCC 645 (except where it holds that primary education is a fundamental right) and the scheme framed thereunder require reconsideration, and if yes, what?

10. Whether the non-minorities have the right to establish and administer educational institution under Article 21 and 29(1) read with Articles 14 and 15(1), in the same manner and to the same extent as minority institutions?

11. What is the meaning of the expression "Education" and "Educational Institutions" in various provision of the Constitution? Is the right to establish and administer educational institutions guaranteed under the Constitution?

Fake stamp papers

†2744. SHRIMATI SAVITA SHARDA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that sale of fake stamp papers is going on in the country without any hindrance;

(b) if so, whether Government propose to take any step to prevent this; and

(c) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) to (c) The information is being collected and will be laid on the Table of the House.

†Original notice of the question received in Hindi